

Exhibits - Continued

Exhibit B. U.S. patent 6,548,641

1. An isolated antibody which binds to a polypeptide consisting of the amino acid sequence of SEQ ID NO:5, amino acid residues 6-101 of SEQ ID NO:5, amino acid residues 112-215 of SEQ ID NO:5, amino acid residues 216-275 of SEQ ID NO:5, amino acid residues 276-517 of SEQ ID NO:5 or amino acid residues 518-593 of SEQ ID NO:5.

Comment: No description of any structural feature of the antibody - merely defined by reference to its target.

Exhibit C. U.S. patent 6,545,130

1. A monoclonal antibody which does not bind to Mycobacterium avium and which binds to the same Mycobacterium tuberculosis surface epitope as the monoclonal antibody produced by hybridoma cell line H-9d8 having ATCC Accession No. HB-12364.

Comment: Claim is to any antibody which binds to an epitope, the epitope being defined not in structural terms but only in functional terms. The antibody can be any structure which binds to the epitope, not merely the deposited antibody.

Exhibit D. U.S. patent 6,545,128

3. An isolated antibody, or antigen-binding fragment thereof, which specifically binds to a Bax inhibitor protein selected from the group consisting of SEQ TD NO: 3 and SEQ ID NO: 6.

Comment: As with other applications, the antibody is claimed by reference to its functional properties, i.e. the ability to define a class of targets. No specific description of the structure of any species of antibody in the patent.

Exhibit E. U.S. patent 6,521,228

26. An antibody that binds a fragment of the TRAIL protein of SEQ ID NO:2, wherein the N-terminal amino acid of said fragment is selected from residues 39 to 124 of SEQ ID NO:2, and the C-terminal amino acid of said fragment is selected from residues 276 to 281 of SEQ ID NO:2.

27. An antibody of claim 26, wherein said antibody is a monoclonal antibody.

28. An antibody of claim 26, wherein the antibody inhibits TRAIL-mediated apoptosis of a target cell.

Comment. Another example of claims to an antibody per se defined not structurally but by its ability to bind a target (Claim 26) and to exert a particular functionally defined result on its target (Claim 28).